



# MINNESOTA BOARD OF DENTISTRY

University Park Plaza, 2829 University Avenue SE, Suite 450  
Minneapolis, MN 55414-3249 www.dentalboard.state.mn.us  
Phone 612.617.2250 Fax 612.617.2260  
Toll Free 888.240.4762 (non-metro)  
MN Relay Service for Hearing Impaired 800.627.3529

## POLICY COMMITTEE MEETING MINUTES

Board of Dentistry, 4th Floor Conference Room A

January 11, 2016, 5:00 p.m.

### Call to Order

Neal Benjamin, DDS, Chair, called the meeting to order at 5:05 p.m.

### Committee Members Present

Neal Benjamin, DDS, Chair

Jake Manahan, JD

### Board Staff Present

Joyce Nelson, Interim Executive Director

### Committee Member Absent:

Paul Walker, DDS

### Others in Attendance: (per sign-in sheet):

Dick Diercks, Park Dental; John Gulon, DDS, Park Dental; David Linde, DDS, MDA, Michael Perpich, DDS, MDA; Todd Thierer, DDS, U of M SOD; Donna Stenberg, DDS, MAO; Tammy Filipiak, Midwest Dental; Carmelo Cinqueonce MDA; Beth Rynders, LDA, MEDA; Gary Pickard, Pacific Dental Services; Jason Engelhart, JD, Stinson & Leonard Street; Jack Breui, JD, Stinson & Leonard Street; Randy Gullickson, Anthony Ostlund; Bill Head, ADSO; James Clark, Messerli & Kramer; Jayne Cernohous, DDS, Metropolitan State U; David Aafedt, Winthrop & Weinstine

### Review and Approval of Minutes from December 28, 2016

Review of the December 28, 2016 meeting minutes.

*Motion made to accept the December 28, 2016 meeting minutes as amended. (This includes two appendixes added to the minutes that contain comments. These comments include an e-mail from Mr. Pickard's regarding suggested revisions, and Dr. Benjamin's written response this request).*

**MOTION: Jake Manahan**

**SECOND: Neal Benjamin**

**IN FAVOR: Unanimous**

**RESULT: Motion carried**

### Infection Control Update

About a year ago this Committee was directed to bring this issue back to the full board. The Task Force not only met outside of the Committee, but also with Board staff.

Mr. Manahan offered a report that is a recommendation to the full board for their January meeting.

### MOTION:

That the Committee bring this report forward with the recommendations to the Full Board at their January meeting.

**MOTION: Jake Manahan**

**SECOND: Neal Benjamin**

**IN FAVOR: Unanimous**

**RESULT: Motion carried**

1 **MAO Proposal:**

2 Dr. Stenberg brought forward a revised version of her former Orthodontic Resolution, to present a  
3 statement of understanding and clarification. She has stated that at the last meeting the discussion  
4 talked about two different pathways. Upon further reflection, she felt the best approach is to go  
5 through traditional rulemaking

6  
7 The goal with her statement is to make it clear what the dentist can delegate according to rule. The  
8 other goal will involve working with the educators to make it through the rule process.

9  
10 **Dr. Benjamin made the following motion:**

11 **MOTION:**

12 That the Policy Committee recommend to the full Board that they adopt the “*Statement of*  
13 *Understanding*” below, and publish it in their next newsletter.

14  
15 *The Board of Dentistry clarifies that a licensed dental assistant delegated under general supervision the*  
16 *duty of gathering of information through intra-oral or extra-oral photos, X-ray images and impressions*  
17 *by either material or digital technology and a prescribed bite registration for the dentist to use in*  
18 *diagnosis, treatment and appliance fabrication, is congruent with current rule. The impressions cannot be*  
19 *used for final fixed and removable prosthesis as specifically stated in rule. This clarification further*  
20 *affirms that this does not require a change in current curricula to achieve this outcome.*

21  
22 **MOTION: Jake Manahan**

**SECOND: Neal Benjamin**

23 **IN FAVOR: Unanimous**

**RESULT: Motion carried**

24  
25 **DSO discussion:**

26 Dr. Benjamin stated that the Board of Dentistry does not have Statutory authority to launch an  
27 investigation, absent of a complaint. This is outlined in Statute 150A and 214.

28  
29 Mr. Breviu stated that an effort to regulate the business relationship between the dentist and the  
30 organization, might be anti-competitive. If the Board pursues any actions such as this, it could  
31 subject the Board to anti-trust actions. He would suggest the Board move cautiously with any actions.

32  
33 Randy Gullikson stated that the legislature states what the Board has the jurisdiction to do. In  
34 150A.11 makes it unlawful to attempt to practice dentistry without a license. He felt the Board does  
35 have jurisdiction to take action should any organization do so.

36  
37 Dr. Thierer stated this issue goes beyond DSO's, but also could be relative to other individuals who  
38 work for an organization where the Board doesn't necessarily have oversight or authority over.

39  
40 Mr. Manahan felt that the initial question was not so much relative to whether or not the Board can  
41 investigate, but does the existing Statutes and Rules allow the Board to address this issue.

42  
43 Staff will arrange a meeting between the AGO and the Committee members to address this specific  
44 issue, and to try and answer Mr. Manahan's questions directly. The Committee can then bring back  
45 their conclusions to the next public meeting.

1 **Future Meetings:**

2 February 10, 2016

3  
4 **Adjourn**

5 *Motion made to adjourn at 6:58 p.m.*

6  
7 **MOTION: Neal Benjamin**

8 **VOTE: Unanimous**

7 **SECOND: Jake Manahan**

8 **RESULT: Motion carried**

9  
10   
11 Signed: Neal Benjamin, DDS, Chair

10 2 - 16 - 2016  
11 Date